

CHAPTER OVERVIEW

This chapter will describe the Children's Services Appeal Processes.

7.1 Children Services Fair Hearing Process

7.2 Alternative Care Review Board (ACRB)

Attachment A: The Alternative Care Review Board (ACRB)

Attachment B: Children's Services Grievance Process Guidelines

Attachment C: Guidelines For Area Director/Designee Children's Services Grievance Letter To The Alternative Care Parent

Attachment D: County Director/Designee Alternative Care Review Board Summary Outline

7.1 Children's Services Fair Hearing Process

NOTE: The fair hearing process is to be used for the following: foster/kinship home license status denial, issuance or revocation; adoptive home approval or denial; foster/adoptive care (FA) license approval, denial or revocation; adoption or legal guardianship subsidy.

- 1) To deny a license renewal is to act upon a license already in existence, and is considered a revocation.
- 2) The Children Services Worker will receive in writing, within ten days of written notice of adverse action, a request for a fair hearing.
- 3) Attempt to resolve the issue with foster/kinship/adoptive or foster/adoptive care (FA) applicant/resource informally.
- 4) Provide the applicant/resource with four copies of the Application for State Hearing (IM-87); assist with completion if applicant/resource desires. If the applicant/resource wishes to cancel his/her request for a hearing, written request for withdrawal is necessary.
- 5) Obtain immediate supervisor's signature on IM-87 indicating agreement with agency position.
- 6) Submit copy of recommendation summary, Division Director's letter advising applicant/resource of adverse action, and three copies of the IM-87 to the Hearings Unit, within one working day after the date of the hearing request.
- 7) Allow the applicant/resource (or his/her legal counsel or designee) access to foster/adoptive/kinship home or foster/adoptive care (FA) case record, with the Children Services Worker/Supervisor present.

- 8) Provide one copy of case record materials that directly relate to licensing/approval status upon request.
- 9) Confer with the Division's legal counsel, as necessary, and provide him/her with any information necessary for hearing presentation.
- 10) Appear as a witness at the state hearing and present the basis for recommendation, citing licensing rules and assessment guidelines.
- 11) The hearing officer will submit to the Division Director the proposed decision and order containing all the facts presented at the hearing.
- 12) The Division Director will affirm or reverse the decision and order, or order a rehearing if information is incomplete, and then forward the information to the Hearings Unit.
- 13) The Hearings Unit at the Division of Legal Services will inform the applicant/resource and Children Services Worker of the decision. The Hearings Unit will furnish applicant/resource or his/her attorney, if applicant/resource request is within 90 days of Legal Services notification, with proper form of affidavit for appeal to the circuit court of the county in which he/she resides. (Sec. 208.100, RSMo)
- 14) The Children Services Worker will reverse or modify the case action if the circuit court does not affirm the Division's decision.
- 15) Record the information regarding the case action in the case record.

7.2 Alternative Care Review Board (ACRB)

NOTE: The Alternative Care Review Board (ACRB) is to be used when the alternative care (foster/relative/adoptive or foster/adoptive care) parent disagrees with any decision made by Children's Division (CD) regarding a case management issue involving an individual alternative care child who is, or has been, in the claimant's physical custody.

The Children's Division (CD) recognizes alternative care parents as professional members of the Family Support Team (FST) for children placed in their care. As such, they shall be invited and encouraged to actively participate in case plan development and implementation, FST Meetings, and any other staffings/meetings held to evaluate future placement needs/plans for the child(ren) in their care.

Despite these efforts, alternative care parents (foster, kinship, adoptive, or foster/adoptive) may disagree with case management decisions. The process described in this procedure is to be used for resolution of grievances by alternative care parents relating to case management decisions.

To initiate this process, the alternative care parent must notify the County Office, in writing or verbally, within ten (10) days of the disputed decision and request a meeting to review the matter.

1. Receive verbal or written request from alternative care parent for an informal meeting within ten (10) days of the grievable decision. The informal meeting will include the Area Director/designee, Circuit Manager/designee, and the alternative care parent.

NOTE: With the following exceptions, staff shall take no adverse actions that are specifically related to the issues until the matter is resolved through the grievance process:

- a. Immediate action is required by the Division to protect the child in care from abuse or neglect, or from a dangerous environmental condition; or
- b. A court order requires a specific action be taken.

In the first instance above, the alternative care parent may grieve such an issue even after the Division has moved the child for the purpose of protection. In the second instance, specific actions taken in response to a court order, such as the court-ordered movement of the child(ren) from the alternative care home, are not subject to the grievance process.

By recognizing alternative care parents as team members for children placed in their care, and including them in case plan development and implementation, this process should be necessary in only a few cases.

2. Advise Area Director/Designee of alternative care parent's request within two (2) working days.
3. Hold a meeting with the alternative care parent, appropriate Circuit Manager/designee, and appropriate Area Office Director/designee (a supervisor III or above) with ten (10) working days from the date of the request, unless the parent needs more time.
 - a. Review information/material provided by the alternative care parent and Division staff.
 - b. Determine if the child case management decision should be upheld or reversed.

Related Subject: Attachment B of this chapter, Children's Services Grievance Process Guidelines.

NOTE: The purpose of the informal meeting with the alternative care parent, county, and area staff is to review the grievable child management issue and attempt to settle the issue at this level.

4. Notify the alternative care parent of the decision, in writing, within five (5) working days after the meeting

Related Subject: Attachment C of this chapter, Guidelines For Area Director/Designee Children's Services Grievance Letter to the Alternative Care Parent.

If the case management action is upheld, advise the parent of his/her right to proceed with a request for an Alternative Care Review Board (ACRB) hearing and that the request must be received by the ACRB Liaison within five (5) working days after receipt of the Area Director's letter. Provide the Alternative Grievance Review Request (CS-70).

5. Receive, from alternative care parent, Form CS-70 or other written request including all pertinent information and records, within five (5) working days of the Area Director/Designee's written decision (allowing three days for mailing).
6. Schedule the ACRB within three (3) working days of the receipt of the request.
7. Submit a summary of all pertinent information and a copy of the child's case record(s) to the Area ACRB Liaison within five (5) working days of the request for the review.

Related Subject: Attachment D of this chapter, County Director/Designee Alternative Care Review Board

8. At least fifteen (15) working days prior to the review, provide to members and alternates of the review board copies of Form CS-70, all pertinent material, notice of the review date, and location.
9. Coordinate all other activities regarding the scheduling of the review. The review should be scheduled to occur at the next scheduled AACRB meeting, if board members could be notified within fifteen (15) working days prior to the review.

NOTE: Members of the Area Alternative Care Review Board (AACRB) will meet at a location within the area at least one time per month. The monthly meeting is not required if there are no reviews pending. However, board members should try to keep available the same day each month. They will require notification of fifteen (15) working days prior to the meeting.

10. Conduct review and allow presentations as follows:

NOTE: The review may be recorded by an audio recording device or a court reporter by request of the Alternative Care Parent. He/She must make arrangements for the court reporter and/or audio recording and pay all costs for this service.

- a. Summary and reasons for the child management decision (citing policy and procedure) from appropriate CD County and Area staff and/or legal counsel. CD staff may participate through a telephone conference.
 - Presentation by witnesses for the Division.
- b. Summary of the grievance by the alternative care parent/representative and/or legal counsel.

NOTE: The alternative care parent's presence is not required for a review to be conducted. He/She may submit a written statement.

- Presentation by witnesses for the alternative care parent.
- c. The Area ACRB may ask questions and request further clarifying information from all parties.
11. Advise both parties that the ACRB will review the information and present a written recommendation to the CD Deputy Director/Children's Services within seven (7) days.
12. Review and discuss all relevant materials and testimony.
13. Vote individually on ACRB recommendation.
14. Submit written recommendation per Form CS-70 and relevant materials to the Deputy Director for Children's Services within seven (7) days.
15. Review Area Alternative Care Review Board (AACRB) recommendation and discuss with the Division Director.

16. Uphold or reverse child management decisions and provide a written decision per Form CS-70 to all parties within thirty (30) days of receipt of the ACRB recommendation.
17. If the decision is to reverse the Division's child management decision, revise the child management plan to reflect the reversal.

MEMORANDA HISTORY: